

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-93-A

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, Edwin and Virginia Dilworth. The Petitioners seek relief from Section HB02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot area per dwelling unit of 4,115 sq.ft. in lieu of the required 6,000 sq.ft. for proposed Lot 2, as more particularly described on Petitioner's Exhibit 1.

Testimony indicated that the subject property, known as 3025 Taylor Avenue, consists of 10,037 sq.ft., zoned D.R. 5.5 and is presently unimproved. Said property is also known as Lot 2 of the proposed subdivision of the property known as 3023 Taylor Avenue, or Lot 1. The Petitioners are desirous of subdividing Lot 1 to create two lots, Lot 1 of which is already improved with a 2.5 story dwelling, which has been the Petitioners residence for many years, and Lot 2 which is proposed for

Linda and Ruth Bortner appeared in opposition to the Petitioners' request. The Bortners were concerned that the Petitioners were going to construct two houses on proposed Lot 2. As was clear from the testimony, the Petitioners only propose to construct one dwelling on the property and restrictions will be imposed at the end of this Order to address that concern. The Protestants also voiced concern as to underground streams and springs that are located in this area of Baltimore County. On behalf of Mary Ellen McFadden, Mrs. Bortner testified that she has suffered substantial damage to the basement and foundation of her dwelling due to the existing underground springs and streams. The Protestants fear that an additional basement so close to the McFadden dwelling, which appears to be located no further than 15 to 20 feet from the adjoining property line,

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

After the consideration of the foregoing and the facts stated, it is clear that practical difficulty of unreasonable hardship will exist if the variance is not granted. It has been established that new and circumstantial conditions exist that are favorable to the grant of a variance which in the subject of this variance request and that the benefits from which the Baltimore people desired will thereby result. The value of the land due to the special conditions arising in this particular business. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of this Baltimore request is in strict harmony with the spirit and intent of the B.C.Z.R.

[illegible]

TMK:bjs

Mr. Robert Haynie
APR Associates, Inc., 7427 Harford Road, Baltimore, Md. 21234
People's Counsel; File

50 seconds Fast

ORDER RECEIVED FOR FILING
Date 10/27/93
By Boye

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: September 15, 1993

SUBJECT: 3025 Taylor Avenue

INFORMATION:

Item Number: 91

Petitioner: Dilworth Property

Property Size: _____

Zoning: D.R. 5.5

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

A minor subdivision plan for this property was submitted previously and reviewed by the Office of Planning and Zoning. Our comments of April 23, 1993 and July 8, 1993 are attached.

The initial plan showed lot 2 as being 60 feet in width. Staff recommended increasing the width of this lot to as much as 70 feet. The revised plan, however, shows a decrease in the width of lot 2 to 55 feet. This office again recommends increasing the width of lot 2 to 65 feet in order to be compatible with the lots located on the opposite side of Taylor Avenue.

Prepared by: Jeffery M. L...

Division Chief: Carol L. K...

PK/JL:lw

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

October 27, 1993

(410) 887-4386

Ms. Linda Bortner
Ms. Ruth Bortner
3101 Taylor Avenue
Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE
SM/S Taylor Avenue, 190' SE of Glenoak Avenue
(3025 Taylor Avenue)
14th Election District - 6th Councilmanic District
Edwin Dilworth, et ux - Petitioners
Case No. 94-93-A

Dear Misses Bortner:

In response to the concerns you raised at the hearing in the above-captioned matter regarding junk and debris on the subject property, I arranged for a Zoning Inspector to visit the site to determine whether or not a violation of the B.C.Z.R. exists.

Mr. Leonard Wasilewski, Inspector for this area, visited the site on approximately October 15, 1993 and observed the junk and debris in question. After careful review of the site plan for this property, it has been determined that the debris is located on the Baltimore City side of this property, and as such, is out of our jurisdiction. Enclosed please find a photograph taken of the site by Mr. Wasilewski on which he has depicted the Baltimore City/Baltimore County line as it runs through this property.

Should you wish to pursue this matter, it is suggested that you contact the Baltimore City Zoning Office for assistance. Meanwhile, if you have any further questions, please do not hesitate to contact this office or Mr. Wasilewski at 887-3351.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Lay Wasilewski - ZADM
Case File

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: John R. Reisinger
Permits & Licenses

DATE: June 21, 1994

FROM: Catherine A. Milton
Z.A.D.M.

SUBJECT: B199312

Mr. Avery Harden has assured me that the applicant will comply with restriction number five (5) of 94-93-A and has asked that the above permit be reinstated. Therefore, this office is forwarding the request to reinstate permit number B199312.

CAM:jaw
cc: Case No. 94-93-A

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: John R. Reisinger
Permits & Licenses

DATE: June 10, 1994

FROM: Catherine A. Milton
Z.A.D.M.

SUBJECT: B199312

It was brought to my attention by Avery Harden of importance of Public Works that the applicant had not complied with restriction number five of zoning case 94-93-A. Because of this noncompliance, this office withdraws its approval of the above referenced permit and requests that the permit be rescinded until such time that it can be demonstrated that all conditions of the zoning case have been met.

CAM:jaw
cc: Case No. 94-93-A

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

October 27, 1993

(410) 887-4386

Mr. & Mrs. Edwin Dilworth
3023 Taylor Avenue
Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE
SM/S Taylor Avenue, 190' SE of Glenoak Avenue
(3025 Taylor Avenue)
14th Election District - 6th Councilmanic District
Edwin Dilworth, et ux - Petitioners
Case No. 94-93-A

Dear Mr. & Mrs. Dilworth:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Frank Gibson
Puritan Construction, Inc., 8106 Harford Road, Baltimore, Md. 21234

Ms. Mary Ellen McFadden, 3027 Taylor Avenue, Baltimore, Md. 21234

Ms. Linda Bortner and Ms. Ruth Bortner
3101 Taylor Avenue, Baltimore, Md. 21234

Mr. Robert Haynie
APR Associates, Inc., 7427 Harford Road, Baltimore, Md. 21234

People's Counsel; File

CITY OF BALTIMORE
KURT L. SCHMOKKE, Mayor



PLANNING COMMISSION
DEPARTMENT OF PLANNING
Charles C. Graves, Director
80 Floor, 417 East Fayette Street
Baltimore, Maryland 21202-3416

FAX TRANSMITTAL COVER SHEET

DATE: 10/21/93

FROM: Peggy Shanks

TO: Kate Milton
(Name)
Baltimore County Zoning
(Agency)

(Address)

PHONE: 897-3391

NUMBER OF PAGES (Including cover page): 10

RE: 3023-7 Taylor Ave. - Baltimore City & Balto. Co.

MESSAGE

Letter of notification to applicants: comments from City agencies (see comments also in file), and other letters from other agencies. Also see memo from Mr. Schumacher (9/16/93) regarding the decision on this matter. (see in file comments on this matter).

IF THIS TRANSMITTAL IS TO BE COMPLETED, PLEASE CHECK:

SENDER (Name): Peggy Shanks

SENDER (Title): Planning Commission

SENDER (Phone): 897-3391

SENDER (Fax): 897-3391

SENDER (Email):

SENDER (Other):

NAME & TITLE: George G. Balog, Director
AGENCY NAME & ADDRESS: Department of Public Works
600 Abel Holman Municipal Building
SUBJECT: FINAL SUBDIVISION AND DEVELOPMENT PLANS FOR 3023 - 25 TAYLOR AVENUE

CITY OF BALTIMORE
MEMO
DATE: August 23, 1993

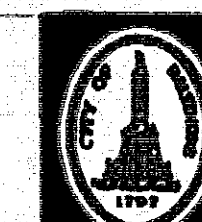
TO: Ms. Rachel Kadd, Acting Director
Department of Planning
4th Floor, Benton Building
417 E. Fayette Street

The Final Subdivision and Development Plans for the subject project have been reviewed and the following are our comments:

1. Water is available to 3023 and 3025 Taylor Avenue from the existing 12-inch main in Taylor Avenue (in Baltimore County).
2. Presently servicing 3023 Taylor Avenue is a 3/4-inch service with a 5/8-inch meter.
3. Please be advised that since the lots are fronting on a street lying in Baltimore County, the plans should also be submitted to Baltimore County for review.
4. The driveway depressed curb shown on the plans encroaches onto the adjacent property, this is not allowed in Baltimore City.
5. Traverse points should be added to the traverse note on the subdivision plat.
6. A detailed erosion and sediment control plan is required before a permit can be approved by this Department for any construction activity.
7. The owner/developer should be advised that all construction must conform to the City of Baltimore Erosion and Sediment Control requirements. The owner/developer is required to submit a detailed erosion and sediment control plan or provide a written request and justification to qualify for a change in sediment control agreement to the Department of Public Works. Contact the Environmental Services Division at 388-3888 for details concerning the Erosion and Sediment Control Program and the Erosion and Sediment Control Design Manual.
8. If there are plans to construct electrical conduits in conjunction with these plans, the owner/developer is advised to contact the Capital Section of the Utility Engineering Division immediately.

Charles C. Graves
Charles C. Graves
Director

CITY OF BALTIMORE
KURT L. SCHMOKKE, Mayor



PLANNING COMMISSION
DEPARTMENT OF PLANNING
Charles C. Graves, Director
80 Floor, 417 East Fayette Street
Baltimore, Maryland 21202-3416

August 19, 1993

Mr. Alexander P. Batych
APR Associates, Inc.
7427 Harford Road
Baltimore, Maryland 21234

Dear Mr. Batych:

Re: 3023-3025 Taylor Avenue

At the regular meeting of July 15, 1993, the Planning Commission approved the Final Subdivision Plan, dated June 8, 1993, and the Final Development Plan, dated June 8, 1993, for subdividing one lot into two lots.

Plans submitted for building permits must be reviewed in accordance with requirements noted in the attached agency reports. Please note the Department of Public Works comments.

As developer, you are required to conform to the approved plans for such on-site improvements as grading, drainage, utilities, paving, landscaping, and lighting. Also, it would be desirable for you to plant trees along the street frontage of your property.

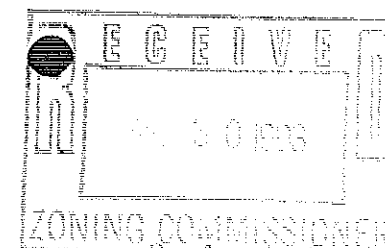
We are sending you four approved copies of the subdivision plan and one approved copy of the development plan. The three remaining copies of the subdivision plan are in the Land Records Office of the Superior Court of Baltimore City within thirty days. Written notice stating the date of recording and Plan number should be promptly forwarded in this office. Failure to do so within a reasonable time may subject you to a fine of not less than \$25 nor more than \$200 each day such violation continues.

Charles C. Graves
Charles C. Graves
Director

CCB/JSB/jh

Attachments

Mr. George Balog, Director, Department of Public Works
Mr. Robert Haynie, Director, Fire Department
Mr. David Smith, Director, Police Department
Mr. David Smith, Director, Department of Transportation
Mr. Stephen A. Milovich



3028 - for live
Date: 9/23/93
September 23, 1993

I am writing in response to the application for a zoning variance at the property 3023 Taylor Ave. a zoning number 94-93-A with the hearing date of October 14, 1993 at the hearing, but hope my letter can be at the hearing, but hope my letter can be at the hearing, but hope my letter can be at the hearing.

I think that building two houses between the existing houses would be very bad for the neighborhood and the residents.

The houses on this area are basically built on 70 foot wide lots and to try to squeeze two houses on to a 55 foot wide lot would increase a strain on water, sewage, telephone and electric lines.

Basically, I don't feel that I want to have two houses built across the street from me.

Thank you for considering my objection to the zoning.

Sincerely,
Laura Red New Woods

PLEASE PRINT CLEARLY

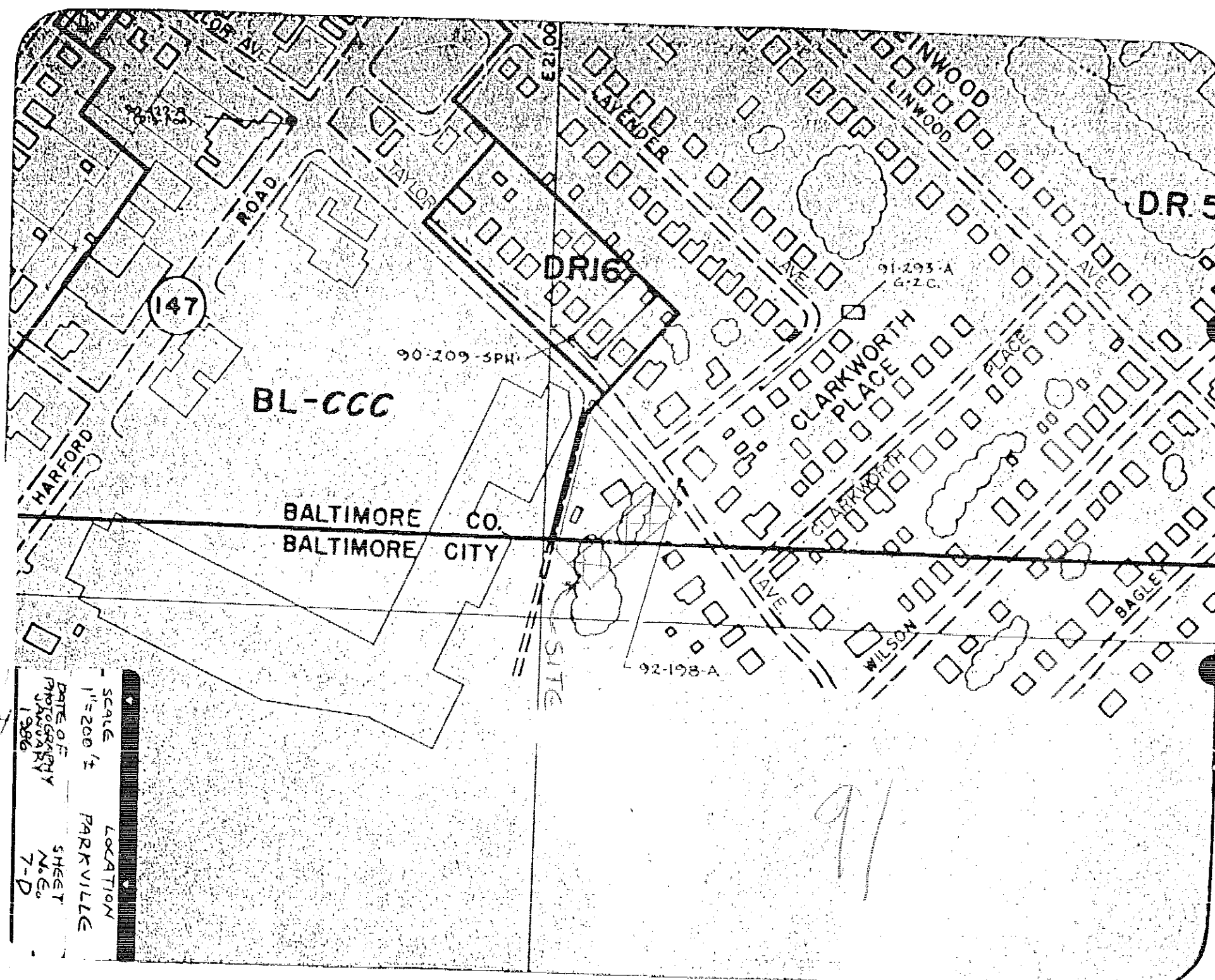
PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Linda Bortner	3101 Taylor Ave 21234
Ruth Bortner	3101 Taylor Ave 21234
Mary Ellen McFadden	3023 Taylor Ave 21234

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
FRANK GIBSON	15 ODEON CT PORT 21234



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3023 & 3025 TAYLOR AVENUE

Subdivision name: DILNORTH PROPERTY

plat book# _____ folio# _____ lot# _____ section# _____

OWNER: EDWIN & VIRGINIA DILNORTH

LOCATION INFORMATION

Section Corner: 14

Scale: 1 inch = 70 feet

Zoning: 94-93-A

Lot size: 0.23 acres

Address: 3023 Taylor Ave

North arrow pointing up.

Scale of Drawing: 1" = 50'

Prepared by: APR ASSOCIATES, INC.

Date: 8/4/93

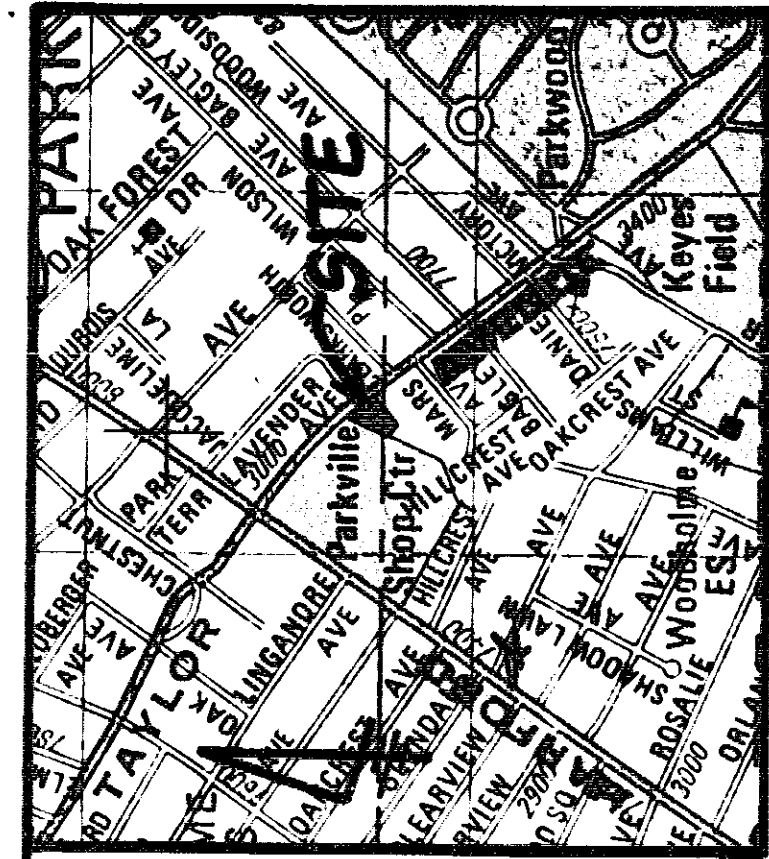
Zoning Office USE ONLY!

Reviewed by: _____

94-93-A

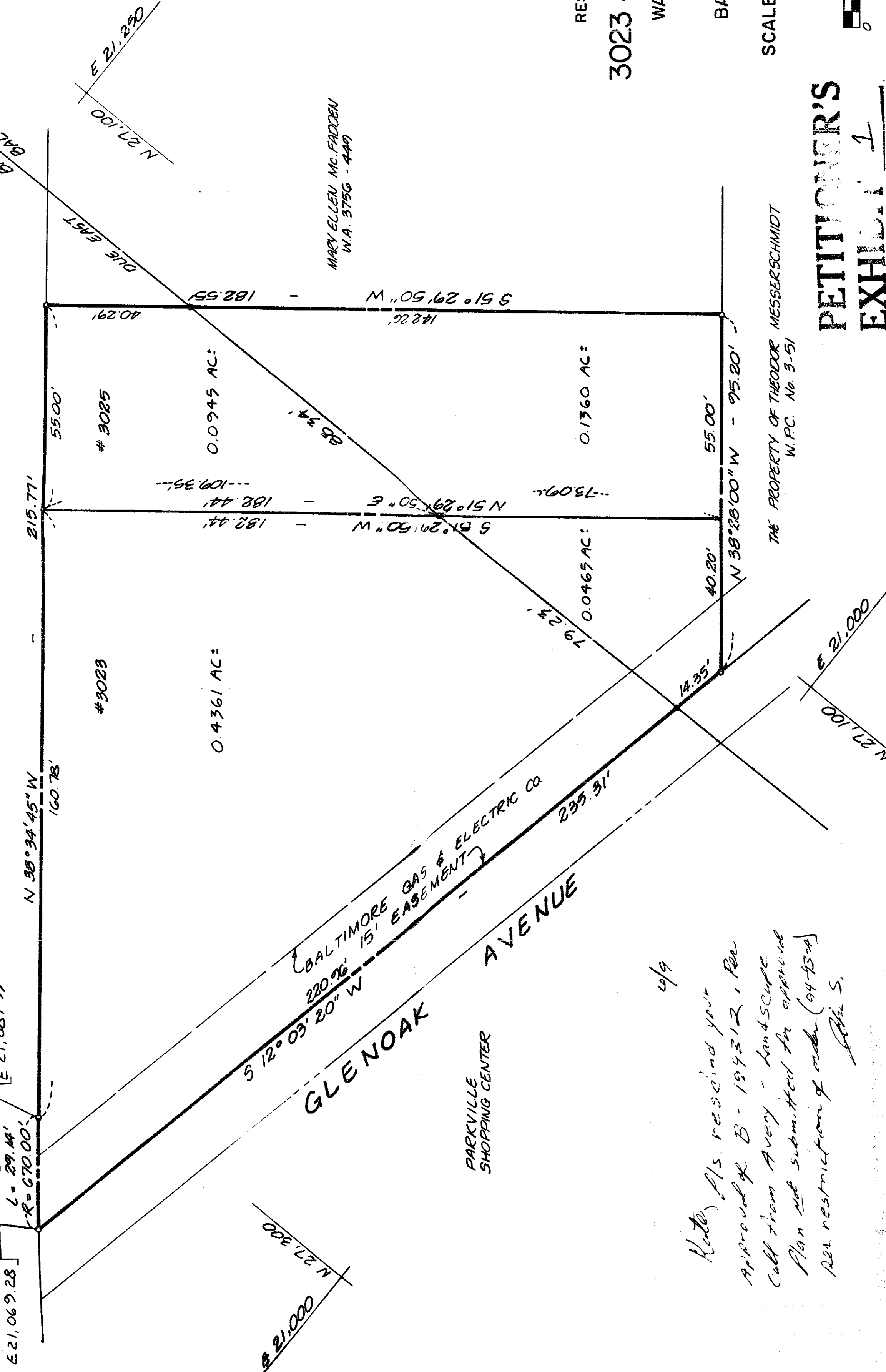
Photographs
94-93-A





BALTIMORE CITY COORDINATES
 N 27° 34' 67" CHD N 75° 43' 30" W - N 27° 31' 29" 29
 E 21° 06' 28" L = 29.44' E 21° 06' 29" 99
 R = 670.00'

TAYLOR AVENUE

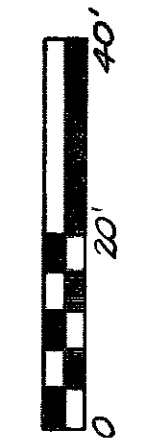


VICINITY MAP
 SCALE: 1" = 1,000'

- NOTES:
- 1) NUMBER OF LOTS : 2
 - 2) AREA OF TRACT : 31,000 SQ. FT. or 0.7130 AC ±
 - 3) DEED REFERENCE : 9884 / 429
 - 4) BEARINGS SHOWN HEREON ARE REFERRED TO THE TRUE MERIDIAN AS ESTABLISHED FOR BALTIMORE CITY
 - 5) HOUSE NO. 3023 AREA IN BALTIMORE CITY - 0.0465 AC ± AREA IN BALTIMORE COUNTY - 0.4361 AC ±
 - 6) BALTIMORE CITY ZONING R-3

RESUBDIVISION OF PROPERTY
3023 - 3025 TAYLOR AVENUE
 WARD 27, SECTION 4
 BLOCK 5498A
 BALTIMORE COUNTY - CITY
 MARYLAND
 SCALE: 1" = 20' JUNE 8, 1993

PETITIONER'S
 EXHIBIT 1



APR ASSOCIATES, INC.
 ENGINEERS - SURVEYORS
 7427 HARFORD ROAD
 BALTIMORE, MARYLAND
 21234
 PHONE 444-4312

OWNER'S CERTIFICATE
 THE REQUIREMENTS OF SECTION 72A TO 72-D OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1991 EDITION, CHAPTER 28 OF THE ACTS OF 1992, AS AMENDED BY CHAPTER 24 OF THE ACTS OF 1993, HAVE BEEN REVIEWED AND FOUND TO BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE ACTS OF 1992, AS AMENDED BY CHAPTER 24 OF THE ACTS OF 1993, CONCERNING THE MAKING OF THE PLAN AND SETTING OF THE MARKERS, HAVE BEEN COMPLETED WITHIN THE TIME FRAME SPECIFIED IN THE ORDER OF THE COURT.

SURVEYOR'S CERTIFICATE
 I, ALEXANDER P. BUTCHER, PROFESSIONAL LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT I HAVE REVIEWED THE SURVEY AND THE PLAN THEREOF, AND THAT THE SURVEY AND THE PLAN THEREOF COMPLY WITH THE REQUIREMENTS OF THE ANNOTATED CODE OF MARYLAND, 1991 EDITION, AS AMENDED BY THE ACTS OF 1992, AND 1993, AND SUBSEQUENT ACTS, AMENDATORY THEREOF.

Edwin D. Dilworth, Jr.
 OWNER
 DATE 6-10-1993

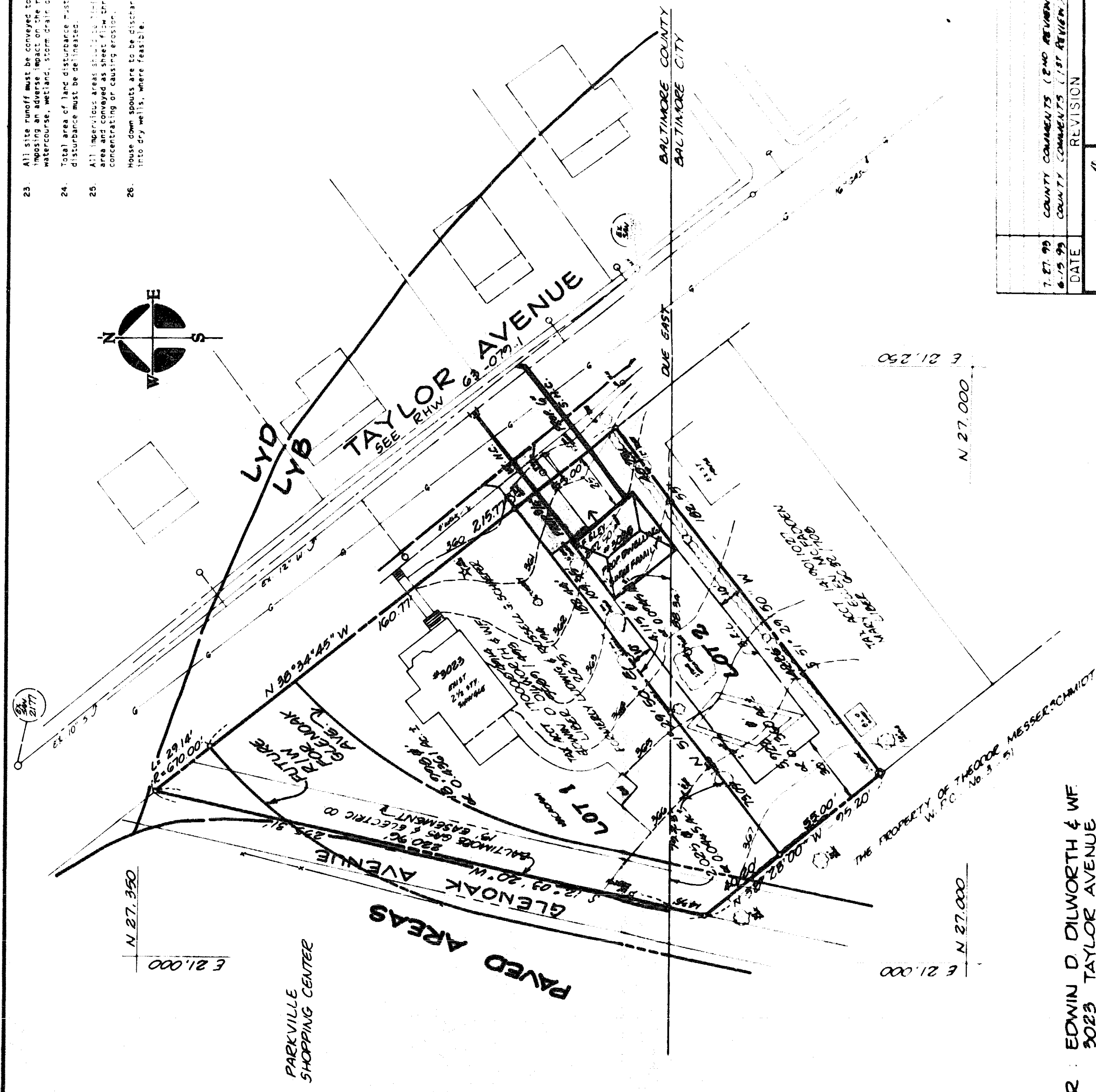
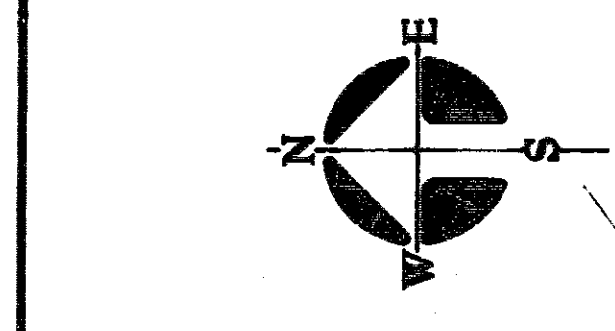
Alexander P. Butcher
 SURVEYOR
 DATE 6-10-1993

6/9
 Note: Alls residing your
 approved B-194312, Pa.
 Call them away - land survey
 Plan not submitted for approval
 per restriction of note (94-15-4)
 PLS S.



VICINITY MAP
 SCALE: 1" = 2,000'

23. All site runoff must be conveyed to a suitable outfall without creating an adverse impact on the receiving waterbody, including the potential for sedimentation, erosion, and other adverse impacts.
24. Total area of the site must be used for planned purposes. The area of the site must be used for planned purposes.
25. All impervious areas must be limited to 10 percent of cleared area and covered as sheet flow through vegetated areas without concentration or causing erosion.
26. House down spouts are to be distributed onto pervious areas or into dry wells, where feasible.



- GENERAL NOTES
1. TOTAL AREA OF TRACT : 31,000 SQ. FT. or 0.7130 AC ±
 2. DEED REFERENCE : 9884 / 429
 3. EXISTING ZONING : R-3
 4. DENSITY CALCULATION : 5.5 x 0.7130 AC = 3.9225
 5. TAX ACCOUNT NUMBER : 170004914
 6. DEED REFERENCE : 5584 / 493
 7. TAX BLOCK-PARCEL : 81-8-745
 8. CENSUS TRACT : 4401
 9. REGIONAL PLANNING : 316
 10. SUB-DIVISION : 27
 11. WATERED : 28
 12. SUB-SUBDIVISION : 4-04
 13. EXISTING USE : 1 SINGLE FAMILY DWELLINGS
 14. PROPOSED USE : 2 SINGLE FAMILY DWELLINGS
 15. AN OPEN SPACE MATTER HAS BEEN SUBMITTED FOR REVIEW
 16. PUBLIC STORM AND WATER EXIST IN TAYLOR AVENUE.
 17. THERE ARE NO CRITICAL AREAS, WETLANDS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HUNTING, BALTIMORE MATERIAL SITES OR STORAGE OR HISTORIC BUILDINGS ON THE SITE.
 18. THERE ARE NO WELLS, SEPTIC SYSTEMS OR UNDERGROUND FUEL TANKS ON SITE.
 19. THERE ARE NO OTHER ADVERSE EFFECTS AS ESTABLISHED FOR BALTIMORE COUNTY METROPOLITAN DISTRICT.
 20. PARKING REQUIRED : 4 UNITS
 21. PARKING PROVIDED : 4 UNITS
 22. THE AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
 23. APPROXIMATE TOTAL AREA OF THE SITE IS 31,000 SQ. FT.

OWNER : EDWIN D. DILWORTH & WIFE
 3023 TAYLOR AVENUE
 BALTIMORE CO., MD 21214

DEVELOPER : PURITAN CONSTRUCTION INC.
 8100 HARFORD ROAD
 BALTIMORE, MD 21234

DATE	7-27-93	COUNTY COMMENTS (END REVIEW)	C.O.P.
REVISION	6-15-93	COUNTY COMMENTS (1ST REVIEW)	C.O.P.
BY			

APR ASSOCIATES, INC.
 ENGINEERS - SURVEYORS

73-063-M
 MINOR SUBDIVISION OF PROPERTY
 3023 - 3025 TAYLOR AVENUE
 BALTIMORE COUNTY - CITY
 MARYLAND
 SCALE: 1" = 30' DATE APRIL 6, 1993